

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

CAPE FEAR RIVER WATCH,)
DEFENDERS OF WILDLIFE, and NORTH)
CAROLINA WILDLIFE FEDERATION)
)
Plaintiffs,)
)
v.)
)
UNITED STATES ARMY CORPS OF)
ENGINEERS and BENJAMIN A.)
BENNETT, Colonel, in his official)
capacity as U.S. Army Corps of Engineers,)
Wilmington District Commander)
Defendants.)

JUDGMENT

No. 7:21-CV-138-FL

Decision by Court.

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of the parties cross motions for summary judgment made pursuant to Federal Rule of Civil Procedure 56.

IT IS ORDERED, ADJUDGED AND DECREED in accordance with the court's order entered September 26, 2022, and for the reasons set forth more specifically therein, that plaintiff's motion for summary judgment is granted. Defendants' decision under review is VACATED as arbitrary and capricious, and the matter is REMANDED to defendants for further consideration.

This Amended Judgment Filed and Entered on September 26, 2022, and Copies To:

Hannah Michenzie Nelson / Sierra B. Weaver / Ramona H. McGee (via CM/ECF Notice of Electronic Filing)

Angela N. Ellis / Joshua B. Royster / Sally J. Sullivan (via US mail 1105 Timber Drive, Unit A, Garner, NC 27529)

September 26, 2022

PETER A. MOORE, JR. CLERK

/s/ Sandra K. Collins
(By) Sandra K. Collins, Deputy Clerk

